Was the harvesting of 81-year-old trees near Hall Creek appropriate?

Complaint Investigation 000240

Forest Practices Board

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The Investigation

This investigation examines a complaint that Atco Lumber Ltd. (the licensee) is routinely cutting immature timber around Nelson, BC without regard to the future value of the timber. The complainant believes that the province should allow young stands to grow older before they are harvested, to ensure a better financial return from public forest lands.

As an example of his concern, the complainant referred specifically to cutblocks harvested near Hall Creek, about 15 kilometres south of Nelson, BC. He said those stands are only 70 years old, and further, that the licensee paid harvesting royalties to the province of only 25 cents per cubic metre. The Board does not have jurisdiction to investigate whether the province received adequate royalties for timber harvesting on Crown land. However, the investigation considers whether harvesting of those stands, given their age, complied with the *Forest Practices Code of British Columbia Act* and its regulations (the Code), and whether the approval of harvesting was appropriate.

Background

In its 1999 – 2001 forest development plan, the licensee proposed harvesting four cutblocks near Hall Creek, affecting a total of 36 hectares. The district manager approved the forest development plan in August 1999. Harvesting of the cutblocks was completed in 2000.

The licensee's forest licence requires it to harvest, on average, about 20,000 cubic metres of timber per year in the Hall Creek watershed. A portion of that watershed was burned around the turn of the century to facilitate mineral exploration. This, in addition to previous timber harvesting, has resulted in a current timber profile of predominantly younger age classes. The licensee's operating area consequently has limited areas of older age classes available for harvest in the short term.

The Kootenay Boundary Land Use Plan (KBLUP) guides the management of forest resources in that operating area. The KBLUP's management objectives for biodiversity, wildlife and visual quality set aside or restrict harvesting in some older forests. In particular, some forest types are in "old growth deficit," requiring that some older stands be reserved from harvesting to achieve the plan's biodiversity targets. Opportunities for harvesting in older age classes are therefore restricted by the KBLUP.

Relevant Legislation

Section 41(1)(b) of the *Forest Practices Code of British Columbia Act*.

Discussion

Did harvesting of the young stands comply with the Code?

The Code does not specify minimum harvesting ages. There was no requirement under the Code for the licensee or the district manager to allow the Hall Creek stands to grow older before harvesting.

The district manager could only approve the roads and cutblocks in the forest development plan if the district manager was satisfied that the plan would "adequately manage and conserve" forest resources. Forest resources include timber resources. The district manager's approval letter indicates that he was satisfied that the forest development plan adequately manages and conserves forest resources. Therefore, based on the evidence available to him, he complied with that statutory requirement for approving plans.

Was harvesting of the blocks appropriate?

Under the Code, the district manager has discretion to decide whether a forest development plan adequately manages and conserves forest resources and whether it should be approved. The Board considered whether the district manager exercised his discretion appropriately. Was his decision to approve the forest development plan based on the consideration of adequate, relevant information and sound logic?

MOF staff stated that, although there is no provincial guidance regarding harvesting age, the district manager routinely considers the age of stands when reviewing operational plans for approval. The district manager does so because the harvesting constraints from the existing timber profile and KBLUP are creating pressure to harvest in younger stands. Consequently, the district and the licensee have been reviewing opportunities for harvest areas over the past several years. Those reviews identified that the licensee could meet the harvesting requirements of its licence, but that doing so would require harvesting some mixed Douglas fir stands as young as 80 years old. The district manager generally considers mixed Douglas fir stands younger than 80 years old to be immature and does not approve harvesting those stands without a specific rationale for doing so.

During the review of the Hall Creek cutblocks, staff noted that the forest cover maps showed that some of the blocks were age class 4 (60 to 80 years), younger than what the district manager typically approves. MOF staff therefore field-reviewed the site with the licensee to assess the age of the stands and their suitability for harvesting. The field visit and the timber cruise results confirmed that the stands averaged 81 years, and the stand met the district manager's minimum requirements. The district manager therefore approved the forest development plan.

Board staff confirmed that there is no provincial guidance regarding an appropriate age for harvesting stands. The only reference to timber age is provided by the timber supply review rationale for the Kootenay Lake timber supply area. The review models harvesting stands 72 to 126 years old, but states that this does not prevent licensees from harvesting stands younger than that. There is no evidence to suggest that the 81-year-old Hall Creek stands are "immature," or that harvesting of stands of that age is inappropriate. Rather, the district manager's approach to reviewing the age of stands proposed for harvesting ensures that the licensee can meet its obligations for harvesting, while at the same time protecting biodiversity and other non-timber values as envisioned by the KBLUP.

Records show that the licensee paid the province 31 dollars per cubic metre in stumpage royalties to harvest the timber, rather than 25 cents as believed by the complainant.

Conclusions

1. The trees in the Hall Creek cutblocks were, on average, 81 years old.

2. The Code does not specify minimum harvesting ages. Harvesting of the 81-year-old stands, therefore, did not contravene the Code.

3. The district manager's decision to approve the harvesting of those 81-year-old stands was appropriate.